



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mines

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Frank A. Linkous, Chief

MEMORANDUM DM 05-06

TO: All Virginia Surface Coal Mine Operators

FROM: **Frank A. Linkous**

Frank A. Linkous, Chief
Division of Mines

RE: ***Ground Control Plan Update***

DATE: September 20, 2005

On February 10, 2005, Governor Mark Warner signed into law House Bill 2573, which included significant changes to Section 45.1-161.287 of the Coal Mine Safety Laws of Virginia, requiring the Chief of the Department of Mines, Minerals and Energy's Division of Mines to approve ground control plans for all mines. In a previous memo, the Department required all surface mine operators to submit ground control plans meeting the new requirements of this section by April 15, 2005.

While some of these plan submittals are still being evaluated, most have been approved. The surface mine operators in the Commonwealth are to be commended for their dedication in compiling effective, viable, and comprehensive plans and maps.

Since the process is now approximately five months along, some issues have arisen that can now be addressed.

1. A ground control plan and, if required, red zone map, must be submitted to the Division of Mines (DM). The cover letter accompanying the plan should be addressed to the Chief of DM and the Acting Director of the Division of Mined Land Reclamation (DMLR). When DM receives a plan, it is scanned and distributed to the assigned DM technical specialist, DM inspector, DMLR inspector, and a DMLR technical reviewer. If a mine has red zones, a joint field evaluation involving the DM technical specialist, DM inspector, and the DMLR inspector will be coordinated. Comments from all parties reviewing the plan will be considered prior to its approval or disapproval.
2. The surface mine operator will now be required to submit two (2) paper copies of the plan. One map is filed in the DM plan book and the other in the DMLR permit folder.

3. The person signatory to the ground control plan must be listed with DMLR as having authority to sign permit applications. A permit holder may choose to designate, in writing, a list of persons who have authority only to sign ground control plans.
4. The red zone map should depict all red zones that exist on the permitted area. Red zones are areas where mining activities could affect the safety and health of the public. An area where mining has been completed and that has been reclaimed should not be considered a red zone unless other ground-disturbing activities such as pond removal will take place in the future.
5. Areas, where ground-disturbing activities will take place above a public or private road and there exists the potential to affect the safety of those persons using the road, must be considered a red zone. No notification is to take place other than stopping traffic as required by the regulations governing blasting. Internal haulroads used solely by the surface mine listed on the ground control plan are not considered a public road and are addressed within other provisions of the ground control plan.
6. DMLR and DM inspectors will jointly inspect the outer boundaries of the permit for performance deficiencies regarding mining activities in active red zones. DMLR inspectors will not inspect the internal area of mining sites and activities for ground control plan deficiencies. Violations written by DMLR will be issued to the permit holder. DM inspectors will inspect the internal areas of mining sites. Violations written by DM inspectors will be issued to the licensed mine operator.
7. Signs or other effective means in the field must designate active red zones in advance of mining. This is not to be confused with the recently adopted regulations by DMLR, which will require fluorescent or reflective paint or material markings of outer permit boundaries on steep slopes above private dwellings or other occupied buildings. DMME inspectors will evaluate these red zone areas when performing scheduled inspections of mine sites.
8. Once the permit holder has achieved phase one bond release, DM will no longer hold authority over ground control plans. DMLR will assume regulatory jurisdiction over reclamation activities in red zones.

As we acknowledge the cooperative effort in developing effective ground control plans for Virginia's surface mining operations that address the mandates of law and commitment to improved public safety, we now must go forward to implement the provisions of the plan into our mining practices. The assurance for this depends on effective management control. The leadership of the surface foremen, fully supported by the mine operators, will bring the results expected and needed to achieve public safety and productive mining operations.

If you have any questions, please do not hesitate to contact this office at 276-523-8229. Thank you.